United Nations S/2003/789

Security Council

Distr.: General
31 July 2003

Original: English

Letter dated 30 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 September 2002 (S/2002/992).

The Counter-Terrorism Committee has received the attached supplementary report from Haiti, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism

03-45245 (E) 130803 190803

Annex

Letter dated 21 July 2003 from the Permanent Representative of Haiti to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: French]

On instructions from my Government and in response to the letter from your predecessor Sir Jeremy Greenstock (document S/AC.40/2002/MS/OC.136), I have the honour to transmit herewith a supplementary report containing my Government's replies to the observations and questions formulated by the Counter-Terrorism Committee following the initial report submitted by the Republic of Haiti on 21 May 2002, pursuant to paragraph 6 of Security Council resolution 1373 (2001).

(*Signed*) Dr. Jean C. **Alexandre**

Supplementary report of the Republic of Haiti on measures to prevent terrorism and its financing

Replies to questions and observations by the Counter-Terrorism Committee

Introduction

On 21 May 2002, pursuant to paragraph 6 of Security Council resolution 1373 (2001), the Government of the Republic of Haiti submitted its report to the Counter-Terrorism Committee. In his letter (document S/AC.40/2002/MS/OC.136) addressed to His Excellency Dr. Jean C. Alexandre, Permanent Representative of Haiti to the United Nations, the Chairman of the Committee requested the Government of Haiti to submit a report containing additional information on certain points, including the following:

- **Paragraph 1:**

  What are the legislative provisions and procedures that enable the economic and financial system of Haiti to guard against operations carried out by persons or entities that are involved, or suspected of being involved, in criminal activities? If there are none, are legislative enactments such as, in particular, anti-money-laundering legislation, planned?

For over two years, the Bank of the Republic of Haiti (BRH) has been actively involved in combating money-laundering and has been working closely in that regard with the Ministry of Justice and Public Security. In February 2001, the joint efforts of these two bodies resulted in the adoption of an Act relating to the laundering of assets derived from illicit drug trafficking and other serious offences, and the entry of Haiti into the Caribbean Financial Action Task Force (CFATF). A joint commission of the Ministry of Justice and Public Security and BRH was created to establish the Central Financial Intelligence Unit (UCREF). The Bank also set up an ad hoc committee to prepare guidelines and circulars on combating money-laundering in accordance with international standards. The Bank also collaborated with the Ministry to prepare for Haiti's assessment by CFATF, which was scheduled for April 2003.

Haiti has no legislation penalizing terrorism or the financing of terrorism. The Haitian Penal Code, however, penalizes all offences which constitute terrorist acts, without expressly defining them as offences sui generis.

Haiti is not yet a party to the International Convention for the Suppression of the Financing of Terrorism. However, BRH transmits to the country's commercial banks the "Guidance for Financial Institutions in Detecting Terrorist Financing Activities" issued by FATF, and strongly urges them to cooperate. Cooperation has indeed been observed in that area: for example, BRH collaborates actively with the United States Embassy in Port-au-Prince in relation to the freezing of accounts and assets held in Haitian banks by persons suspected of financing terrorism. BRH communicates to the country's banks, in a timely manner, the lists of persons suspected by the international community of financing terrorism, with a recommendation to each bank that it should notify BRH if any of those persons has an account with that bank. To date, BRH has received only negative replies.

Does Haiti have any provision for regulating informal banking networks? Please outline such provisions.

The Republic of Haiti has not yet taken any particular measures in relation to informal banking networks.

- **Paragraph 2:**

Please provide the CTC with an outline of the amendments of the Penal Code which have been proposed in order to implement the resolution, together with a progress report on their enactment and implementation.

The Haitian Penal Code has not yet been amended in order to implement resolution 1373 (2001). The Government has however taken numerous measures to that end. A counter-terrorism bill is being drafted by the Ministry of Justice and Public Security. In March 2003 an expert from the United Nations Centre for International Crime Prevention visited Haiti to work with the country's authorities on modalities for technical cooperation on counter-terrorism.

On 28 March 2003, the Government issued an order creating a permanent Secretariat to overhaul Haiti's various legal codes.

- **Please provide the CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists.**

There are early warning mechanisms within the Interpol Structure of the Haitian National Police (PNH). The Interpol Structure has a national central office within the PNH Judicial Intelligence Office. Information is exchanged very rapidly, thanks to a special telecommunications network connecting all Interpol offices throughout the world. Border controls have been set up by PNH at all land, air and sea border-crossing points in Haitian territory. The units responsible for the border controls are the Coastguard, the police station at Port-au-Prince airport, the police station at Malpasse on the border between Haiti and the Dominican Republic, and all other police border-crossing posts on that same border.

Given the strategic importance of the land border with the Dominican Republic, PNH plans to set up three additional border-crossing units similar to the Malpasse police station, at Ouanaminthe, Belladère and Anse-à-Pitre. The controls carried out by the police at land, air and sea border crossings make it possible to detect suspicious movements, including any movements by terrorists, although none have so far been detected.

Haiti has strengthened its cooperation with other States on combating transnational organized crime and drug trafficking. It is cooperating with the Dominican Republic (stolen vehicles, wanted persons, etc.), with the United States of America (implementation of a bilateral maritime counter-narcotics interdiction agreement) and, at the multilateral level, with Interpol. Where needed, these exchanges of information can include any necessary data on terrorist movements.

- **What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings, including those relating to the financing or support of terrorist acts, must be met? How long does it actually take in practice to implement such a request in Haiti?**

Haitian law does not provide any time frame for compliance with requests for judicial assistance in criminal investigations or proceedings, including those relating to the financing of or support for terrorist acts. This lack, however, does not constitute an obstacle to meeting requests for mutual assistance.

It should be noted that Haiti receives few requests in that area. When any such request is received, however, the Government acts on it promptly.

- **Paragraph 3:**

With which countries has Haiti entered into bilateral treaties on mutual legal assistance?

Haiti has entered into no bilateral treaties on mutual legal assistance. It has, nonetheless, developed practices with some States, particularly in the area of civil law; those States include France and Switzerland.

Is there a law that governs extradition? If so, please outline the provisions which are of relevance in the context of the resolution.

Haiti has no legislation governing extradition; in 1904, however, it concluded an extradition treaty with the United States of America, which is still in force. Haiti is also a party to the Inter-American Convention on Extradition.

Are claims of political exception recognized as grounds for refusal of extradition of alleged terrorists?

Haiti has not yet received any requests for the extradition of alleged terrorists. If such a request were received, the Government of Haiti would respond favourably. Since Haiti is determined to combat terrorism and ensure effective implementation of resolution 1373 (2001), claims of political motivation could not be considered as justifying any rejection of requests for the extradition of alleged terrorists.